

Exh. 6.7 A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ALLEN, et al., :

Plaintiffs :

-v-

: Case No. C-1-01-159  
: Judge Herman S. Weber  
: Magistrate Judge  
: Timothy S. Hogan

THE LASSEN COMPANIES, INC., :  
et al., :

Defendants :

- 0 -

The deposition of **SHIRLEY A. MONROE**, taken before Susan K. Lee, CVR-CM, Court Reporter and Notary Public in and for the State of Ohio, at the law offices of David M. Cook, LLC, 22 West Ninth Street, on the 24th day of April, 2002, beginning at the hour of 10:05 a.m. and ending at 12:59 p.m. of the same date.

- 0 -

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1 out of 300 employees, a majority were represented by  
2 the GMP?

3 A Oh, at least 270 to 275.

4 Q So when Lassen Companies took over  
5 January 1, 1999, there were in the neighborhood of 270  
6 employees --

7 A Actually, no. What had happened was  
8 there was a split, okay? Some of the products that  
9 Wright Bernet made had Ekco Cleaning labeled, okay?  
10 When the sale -- and I wasn't involved in the sale, so  
11 you'll have to bear with me on this, okay?

12 Q Stopping you for a second, what was  
13 your position in late 1998? Were you still  
14 administrative assistant?

15 A Human resources. No. I became human  
16 resources in May of 1997.

17 Q What was your position? You say human  
18 resources.

19 A It was payroll, safety, human  
20 resources, administering the 401(k). Basically I took  
21 over everything that the human resources was doing in  
22 Massachusetts.

23 Q Okay. That was like five months after  
24 Kellogg had closed and they moved the operations to  
25 Hamilton?

1 A Yes.

2 Q Were the union employees, to your  
3 knowledge, aware of this difficulty with the Cigna  
4 plan?

5 A Yes they were. There were a lot of the  
6 union employees that did not get into the 401(k) plan  
7 for that particular reason.

8 Q What was Mr. Kristal's involvement with  
9 this difficulty with the deductions for the Cigna plan?

10 A They just weren't paying it.

11 Q Did you have conversations with Mr.  
12 Kristal about this?

13 A I wasn't the controller at the time.  
14 We had somebody at Wright Bernet, whose name was Jerry  
15 Hunsche, H-U-N-S-C-H-E, who was dealing more with that  
16 information. He was Wright Bernet's controller. He  
17 was their -- he was hired in October/November of '97  
18 and he was with Wright Bernet until January of 2000.

19 Q He was only a Wright Bernet employee?  
20 Well, he worked for just the Wright Bernet facility,  
21 not the rest of Lassen?

22 A No. He was not the controller. James  
23 Thelen was the corporate controller.

24 Q All right. Did you also have some  
25 responsibilities regarding the health benefit plan?

1 A Yes.

2 Q Who was the plan administrator? Let me  
3 ask you a different question. How was Pickering  
4 Insurance involved?

5 A They were the brokers.

6 Q The broker for Great --

7 A For Lassen.

8 Q How was Great-West involved?

9 A They were the -- they were the plan.  
10 They were -- they were the insurance company.

11 Q Did there at some point become a  
12 difficulty with Lassen -- by the way, this was a self-  
13 funded plan?

14 A It was a partially self-funded plan.

15 Q Was there a stop-loss policy?

16 A Yes, yes.

17 Q So Lassen was responsible for paying  
18 the claims on the plan up to a certain point?

19 A Up to \$44,000 a month. Actually the  
20 way it was explained to me by Randy Pickering, was  
21 there was actually an annual number and it was like  
22 \$44,000 times 12, and once it was --once that number  
23 was basically exceeded, then we didn't pay any more.

24 Q Okay.

25 A Okay. But I wasn't privy to all that

1 have been the letters that I sent to the employees  
2 collecting --

3 Q All right. Reading his testimony, you  
4 might think that he's referring to a heads-up to  
5 employees at the plant as about to terminate, but your  
6 testimony is no, when employees were told, it was after  
7 the fact, when Great-West terminated the plan, right?

8 A That's correct. There was no heads-up.  
9 And, like I explained before, if he had required me to  
10 send something out formally, saying that the plan was  
11 being terminated at company discretion, I would have  
12 left. I would have left the company because that was  
13 in violation of the union contract.

14 MR. SIMON: All right. Off the record  
15 for a second.

16 (OFF THE RECORD)

17 BY MR. SIMON:

18 Q Ms. Monroe, as director of human  
19 resources for Lassen, were you responsible for the  
20 benefit plan as it applied to all the employees in  
21 Lassen?

22 A Yes.

23 Q Were there other difficulties besides  
24 Wright Bernet's employees, in terms of the health  
25 benefit plan or was it all of Lassen?

C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF OHIO,

COUNTY OF HAMILTON, To-wit;

I, Susan K. Lee, CVR-CM, Court Reporter  
and Notary Public in and for the State of Ohio, do  
hereby certify;

That on the 24th day of April, 2002,  
there appeared before me pursuant to Notice and  
agreement of counsel, **SHIRLEY A. MONROE**, as a witness  
in the previously entitled cause;


That the said witness was sworn by me  
and examined to tell the truth, the whole truth, and  
nothing but the truth in said cause;

That the deposition was taken by me via  
Stenomask and electronic recording and the foregoing  
105 pages contain a true, full and correct  
transcription of all the testimony of said witness;

That the deposition was submitted to  
the witness for reading and signature;

That I am not related to or in any way  
associated with any of the parties to said cause of  
action, or their counsel, and that I am not interested  
in the event thereof.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 13th day of May, 2002.

  
\_\_\_\_\_  
Susan K. Lee, CVR-CM  
My commission expires:  
August 30, 2004

MAR 14 '00 14:32 FR GUL - SAN DIEGO

858 558 0831 TO 17607589926

P.02/03

**Great-West**  
LIFE & ANNUITY INSURANCE COMPANY**ONLINE HEALTH PLAN  
(BENLink) ORDER FORM**- / - / -  
(date)

To be completed by Employee Benefits Office

(Complete both sides and return to Employee Benefits Operations, Denver)

**POLICYHOLDER INFORMATION**BROKER: ☐ YES ☐ NO ☐ CHECK HERE FOR VIEW ONLY

Note: The BENLink System must be installed at the Policyholder's address below. BENLink is exclusively licensed for use only by full-time employees of the Policyholder.

THE LASSEN COMPANIES INC

COMPANY NAME

3345 MICHELSON DRIVE #250

STREET ADDRESS

IRVINE CA 92612-0650

CITY

STATE

ZIP CODE

3001 SYMMES ROAD

MAILING ADDRESS - Required if different from Street Address, such as a P.O. Box

HAMILTON OH 45015

CITY

STATE

ZIP CODE

513-874-1800-28

PHONE NUMBER

EXTENSION

513-874-5899

FAX NUMBER

SHIRLEY MONROE HR MANAGER

PRIMARY CONTACT

TITLE

TECHNICAL SUPPORT NAME

EXTENSION

**HEALTH PLAN ADMINISTRATOR:**

(NAME, PHONE and SOCIAL SECURITY NUMBERS of ALL persons with access are REQUIRED)

POLLY JONES SSN 334405575

USER NAME (One name is required)

PHONE / EXTENSION

760-758-9800

SHIRLEY MONROE SSN 326605932

USER NAME (Optional)

PHONE / EXTENSION

513-874-1800-28

USER NAME (Optional)

PHONE / EXTENSION

**FIELD OFFICE INFORMATION**

GROUP SALES OFFICE

SALES REPRESENTATIVE

BPO

SERVICE REPRESENTATIVE

PLAN TYPE

☐ PPO☐ POS☐ HMO

CASE STATUS?

☐ NEW☐ IN FORCE

(Check all that apply)

To be completed by Employee Benefits Operations

(Complete and forward to BENLink Systems Support)

**OPERATIONS INFORMATION**401 K ☐ Yes ☐ No

401 K Plan Number

UNDERWRITER

EXTENSION

REGION

POLICY NUMBERS - INSURED

ASO

BENLINK EFFECTIVE DATE

NO. OF LIVES

SIC NO

Agreement Received From Master Application

☐ YES☐ NO

GROUP NAME ON MASTER APPLICATION

ARE POS DIVISIONS LOCALIZED?

☐ YES☐ NO

ARE PPO DIVISIONS LOCALIZED?

☐ YES☐ NO

10765

UNITED STATES DISTRICT COURT  
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WESTERN DIVISION

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: Judge Herman S. Weber  
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1 because Lenn Kristal had that all set up prior to the  
2 plan going into effect. I found out things by talking  
3 to Randy Pickering and to his -- one of his assistants,  
4 Polly Jones. We talked sometimes two and three times a  
5 day.

6 Q What was Mr. Pickering's assistant's  
7 name?

8 A Polly, P-O-L-L-Y, Jones.

9 Q Did there at some point become a time  
10 where Lassen Companies was not paying on these health  
11 benefit claims that were being made?

12 A Yes. The first time I became aware of  
13 it was around end of July, first part of August 1999.  
14 We were put on administrative hold.

15 Q Who told you that you were on  
16 administrative hold, if you recall?

17 A One of the employees had called Great-  
18 West about a claim that wasn't being paid, and then I  
19 in turn picked up the phone and called Pickering, who  
20 in turn verified the information, because even at that  
21 point -- is that one of the letters I wrote?

22 Q Was that employee you're referencing,  
23 was that Angela Jones?

24 A No. That was -- no. That was -- that  
25 was a later -- that was a later one.

C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF OHIO,

COUNTY OF HAMILTON, To-wit;

I, Susan K. Lee, CVR-CM, Court Reporter  
and Notary Public in and for the State of Ohio, do  
hereby certify;

That on the 24th day of April, 2002,  
there appeared before me pursuant to Notice and  
agreement of counsel, **SHIRLEY A. MONROE**, as a witness  
in the previously entitled cause;

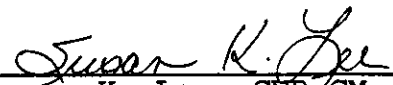
That the said witness was sworn by me  
and examined to tell the truth, the whole truth, and  
nothing but the truth in said cause;

That the deposition was taken by me via  
Stenomask and electronic recording and the foregoing  
105 pages contain a true, full and correct  
transcription of all the testimony of said witness;

That the deposition was submitted to  
the witness for reading and signature;

That I am not related to or in any way  
associated with any of the parties to said cause of  
action, or their counsel, and that I am not interested  
in the event thereof.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 13th day of May, 2002.

  
\_\_\_\_\_  
Susan K. Lee, CVR-CM  
My commission expires:  
August 30, 2004

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DENNIS ALLEN, et al., :  
Plaintiffs :  
-v- : Case No. C-1-01-159  
: Judge Herman S. Weber  
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1 talking over you, Ms. Monroe. We've been pretty good  
2 about that, but I'll try to -- let me finish my  
3 question before you answer, and I'll do the same for  
4 you. That's fine; you're doing fine.

5 He came out for some purpose in  
6 October, '99, and while he was out there he addressed  
7 your employment situation?

8 A Yes.

9 Q So starting October '99 you had  
10 significant responsibilities in all facets of human  
11 resources for Lassen Companies then, correct?

12 A Correct.

13 Q All right. One of your  
14 responsibilities was to ensure that the employees at  
15 Wright Bernet were paid timely?

16 A Yes.

17 Q What responsibilities did you have  
18 regarding the 401(k) for the non-union and the union?

19 A Well, I made sure that everybody had  
20 the opportunity to enroll in it. For the folks that  
21 elected to enroll in it I set it up as a deduction in  
22 ADP payroll, fed the numbers to the controller out in  
23 California.

24 Q Leslie Leath?

25 A Actually it was James Thelen before

C-E-R-T-I-F-I-C-A-T-I-O-N

STATE OF OHIO,

COUNTY OF HAMILTON, To-wit;

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Susan K. Lee, CVR-CM  
My commission expires:  
August 30, 2004

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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DENNIS ALLEN, et al., :  
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Plaintiffs, :  
vs. : Case No. C-1-01-159  
 : (Judge Weber)  
THE LASSEN COMPANIES, INC., :  
et al., :  
 :  
Defendants. :  
-----

Deposition of SHIRLEY MONROE, a witness  
herein, called by the Defendant, John Crary, for  
cross-examination, pursuant to the Federal Rules of  
Civil Procedure, taken before me, Lisa L.  
Weisenberger, a Registered Professional Reporter and  
Notary Public in and for the State of Ohio, at the  
offices of Stephen R. Felson, Attorney At Law,  
617 Vine Street, Suite 1401, Cincinnati, Ohio, on  
Wednesday, August 27, 2003, at 2:09 p.m.

ORIGINAL

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(513) 381-8228 \* (800) 578-1542 \* www.merit-ls.com

1 terminated with a termination date.

2 Q. Okay. Great. And did you enter into the  
3 ADP software health insurance deduction information  
4 for employees?

5 A. Yes.

6 Q. And ADP showed you how to set that up or  
7 how to do that?

8 A. That was already set up.

9 Q. Okay. If I were -- and I am not asking --  
10 I am just trying to find out a general sense of how  
11 you kind of did this. If I were a new union  
12 employee, did I have any say in health insurance  
13 deductions?

14 A. Yes.

15 Q. What kind of choices did I have to make or  
16 could I make?

17 A. That you wanted insurance or you did not  
18 want insurance.

19 Q. I could choose to not take insurance?

20 A. Correct.

21 Q. And if I chose to take health insurance,  
22 were there different packages I could choose from?

23 A. There were two.

24 Q. And the two were the HMO and the PPO?

C E R T I F I C A T E

STATE OF OHIO :  
 :SS  
 COUNTY OF HAMILTON :

I, Lisa L. Weisenberger, a duly qualified and commissioned notary public in and for the State of Ohio, do hereby certify that prior to the giving of her deposition, the within named SHIRLEY MONROE was by me first duly sworn to testify the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and correct transcript of testimony given at said time and place by said deponent; that said deposition was taken by me in stenotypy and transcribed under my supervision; that I am neither a relative of nor attorney for any of the parties to this litigation, nor relative of nor employee of any of their counsel, and have no interest whatsoever in the result of this litigation. I further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office, at Cincinnati, Ohio, this 8th day of September, 2008.

MY COMMISSION EXPIRES:  
 August 30, 2008

*Lisa L. Weisenberger*  
 LISA L. WEISENBERGER, RPR  
 NOTARY PUBLIC, STATE OF OHIO

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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Weisenberger, a Registered Professional Reporter and  
Notary Public in and for the State of Ohio, at the  
offices of Stephen R. Felson, Attorney At Law,  
617 Vine Street, Suite 1401, Cincinnati, Ohio, on  
Wednesday, August 27, 2003, at 2:09 p.m.

ORIGINAL

1 eligible for the 401(k)." Do you recall when the  
2 union became eligible for the 401(k)?

3 A. September 1st, 1999.

4 Q. And does that timing sound right to you?

5 A. Yes.

6 Q. Just to clarify, Shirley, your contact  
7 with John Crary, you never sent him any documents  
8 from Wright Bernet?

9 A. I never had any contact whatsoever with  
10 John Crary in the whole time from '99 until 2001.

11 Q. Thanks. In your prior deposition you  
12 testified that you worked on an issue with the NLRB  
13 or Department of Labor.

14 I think, Steve, this is page 35, line 22.  
15 "On all of these issues."

16 Just to clarify, Shirley, what issues are  
17 you talking about?

18 A. 401(k).

19 Q. Okay. Did you ever say to anybody at  
20 Lassen or Wright Bernet that John Crary had a lot of  
21 money and he should just pay the bills that Lassen  
22 and Wright Bernet couldn't pay?

23 A. No.

24 Q. Did you ever think that to yourself?

C E R T I F I C A T E

STATE OF OHIO :  
 :SS  
 COUNTY OF HAMILTON :

I, Lisa L. Weisenberger, a duly qualified and commissioned notary public in and for the State of Ohio, do hereby certify that prior to the giving of her deposition, the within named SHIRLEY MONROE was by me first duly sworn to testify the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and correct transcript of testimony given at said time and place by said deponent; that said deposition was taken by me in stenotypy and transcribed under my supervision; that I am neither a relative of nor attorney for any of the parties to this litigation, nor relative of nor employee of any of their counsel, and have no interest whatsoever in the result of this litigation. I further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I hereunto set my hand and official seal of office, at Cincinnati, Ohio, this 8th day of September, 2008.

MY COMMISSION EXPIRES:  
 August 30, 2008

*Lisa L. Weisenberger*  
 LISA L. WEISENBERGER, RPR  
 NOTARY PUBLIC, STATE OF OHIO

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